

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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VARSITY BRANDS, INC.,  
VARSITY SPIRIT CORPORATION and  
VARSITY FASHIONS & SUPPLIES, INC.,

Plaintiffs/Counter-Defendants,

v.

No. 10-cv-02508-RHC-cgc

STAR ATHLETICA, L.L.C.,

Defendant/Counterclaimant.

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DEFENDANT'S MOTION TO EXTEND THE TIME BY ONE DAY FOR IT TO RESPOND  
TO PLAINTIFFS' OBJECTIONS TO MAGISTRATE JUDGE'S ORDER DENYING  
PLAINTIFFS' MOTION TO PRECLUDE TESTIMONY OF PUTATIVE EXPERTS  
(INCLUDING SUPPORTING MEMORANDUM)

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The defendant/counter-claimant Star Athletica, LLC ("Star") moves the Court for approval of a one-day extension of time for Star to file its *Memorandum In Opposition To Plaintiffs' Objections To Magistrate Judge's Order Denying Plaintiffs' Motion To Preclude Putative Experts* ("Opposition"), opposing the *Plaintiffs' Objections to Magistrate Judge's Order Denying Plaintiffs' Motion to Preclude Testimony of Putative Experts* ("Objections") filed by plaintiffs/counter-defendants Varsity Brands, Inc., Varsity Spirit Corporation and Varsity Fashions & Supplies, Inc. (collectively identified as "Varsity"). In support of its motion, and as its supporting memorandum, Star respectfully states to the Court as follows:

1. The Court set a deadline of June 11, 2012 for Star to file its Opposition (D.E. #141) during the telephone status conference on June 4, 2012.
2. Star's counsel worked diligently to prepare and timely file a memorandum of law for its Opposition in response to Varsity's Objections by the June 11, 2012 deadline.

3. Despite its best efforts, Star's counsel was unable to complete and file the Objections on June 11, 2012, due, in part, to a series of unexpected computer, network and email problems resulting from upgrades and changes to its systems.

4. One of Star's counsels, Steven Crosby, was suffering from an eye inflammation while working on the Opposition, which also contributed to the delay.

5. The Court's Chambers contacted Star's counsel on June 12, 2012 and directed it to file the brief on June 12, 2012, if possible, or provide an update to the Court by the end of the day.

6. Star's counsel contacted Chambers at the end of the day, notified Chambers that the Opposition would be filed shortly, and filed the Opposition at 6pm CDT on June 12, 2012.

7. On July 13, 2012, counsel for Varsity telephoned Star's local counsel to consult, in accordance with the Court's Local Rules, with respect to a motion that Varsity proposed to file to object to Star's failure to meet the June 11, 2012 deadline.

8. Star would show that Varsity will not be prejudiced in any way by the requested one (1) day extension of time for Star to file its Opposition on June 12, 2012.

Accordingly, and for good cause, Star respectfully moves the Court for approval of a one-day extension of time for Star to file its Opposition.

Respectfully submitted,

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CERTIFICATION OF CONSULTATION OF COUNSEL

Pursuant to LR 7.2(a)(B), Steven M. Crosby, Star's counsel, made several unsuccessful attempts to consult with Varsity's counsel, Brad Trammel and Adam S. Baldrige, by telephone on July 13, 2012, and sent an email later that evening to inform them that Star wished to consult with them on the instant motion. On June 14, 2012, counsel for Varsity, Brad Trammel, responded by email and advised that Varsity opposes Star's foregoing motion for an extension of time.

s/Steven M. Crosby

CERTIFICATE OF SERVICE

A copy of the foregoing was filed through the Court's CM/ECF System and duly served through the electronic noticing system upon plaintiff's counsel, Brad Trammel, Grady M. Garrison and Adam S. Baldrige, BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, PC, 165 Madison Avenue, Suite 2000, Memphis, TN 38103, this 13th day of June, 2012.

s/Steven M. Crosby